

DOCKET NO: 263524US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
DIETSCHE, FRANK, ET AL : GROUP: 1794  
SERIAL NO: 10/519,841 :  
FILED: JANUARY 12, 2005 : EXAMINER: KRUER, K.  
FOR: RADIATION-CURABLE PAINT :  
SYSTEMS HAVING A LOWER  
LAYER WITH LOW-  
TEMPERATURE ELASTICITY

RESPONSE TO THE NOTIFICATION OF A NON-COMPLIANT APPEAL BRIEF

COMMISSIONER FOR PATENTS  
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SIR:

In response to the Notice of Non-compliance of March 5, 2008, appellants hereby enclose a copy of amended page 2 of the appeal brief of record in the case which contains a corrected statement as to the status of all of the claims of the application. The issue that has been raised is therefore believed to have been obviated.

Respectfully submitted,

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### **STATUS OF CLAIMS**

Claims 1-9 and 16-25 are pending in the application. Claims 10-15 were canceled (Amendment of August 29, 2007). Claim 25 is withdrawn from consideration. Claims 1-9 and 16-24 are rejected.

### **STATUS OF AMENDMENTS**

The response filed October 18, 2007 has been entered into the record in the context of an appeal to the Board of Appeals.

### **SUMMARY OF THE CLAIMED SUBJECT MATTER**

Claim 1 is directed to a multicoat system on a substrate (A), which is comprised of a clear coat of at least one radiation-curable coating system (F), and, optionally, at least one coat (E), which is pigmented and/or provided with effect substances, and which is adjacent to and under coat (F). The coat is comprised of coating system (F) and optional coat (E), which constitutes a topcoat, and at least one elastic intercoat (D), which is located between the substrate (A) and the topcoat, and has a glass transition temperature ( $T_g$ ) of -20°C or less (measured in the frequency range up to 1000 Hz). The substrate has an impact strength to DIN EN ISO 179/1fU at 23° C and 50 % humidity of at least 20 kJ/m<sup>2</sup>, and the ratio (V) of the intercoat thickness (ZS) to the total thickness of the intercoat and the topcoat (DL), expressed as  $V = ZS/(ZS + DL)$ , in the multicoat system, is at least 0.05 at a temperature of at least 25°C. Support for the multicoat system as claimed can be found at page 2, lines 14-19 and lines 43-44 and page 33, lines 18-30 and 41-44.

### **GROUNDS OF REJECTION**

Whether Claims 1-9 and 16-24 stand properly rejected based on 35 USC 103 as obvious over Mack et al, U.S. Patent 6,500,883 in view of Otaki et al, U.S. Patent 6,482,489 and Downey, U.S. Patent 3,880,953 or Korpman 4,136,071.